D.B.CIVIL SPECIAL APPEAL (W) NO. 18/2007

State of Rajasthan
v.
Rajasthan Civil Services Appellate Tribunal & anr.

Date of order : 09.05.2007.

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

. . .

Shri Ghanshyam Singh for
Shri R.S.Rathore, Addl. Advocate General

Heard counsel for the appellant.

This appeal is directed against the order dated 27.7.2006 by which the learned Single Judge declined to recall the earlier order dated 26.2.2004 whereby the writ petition had been dismissed for non prosecution. Earlier on 17.2.2004 the Court had allowed time to the appellant to do the needful, that is, to take steps for service on the respondents.

As the appeal is time barred by 40 days, appellant has also filed application for condonation of delay.

In the ordinary course we would have issued notice but considering that the connected case i.e. S.B.Civil Writ Petition no. 142/1998 stood dismissed at the notice stage, we took up the matter for final disposal.

After hearing counsel for the appellant we are satisfied that the non-complinace of the order of this Court dated 17.2.2004 was not wilful, and we are inclined to give chance to the appellant.

We accordingly condone the delay, set aside the orders dated 26.2.2004 and 27.7.2005, and restore the writ petition subject to compliance of the order dated 17.2.2004 within one week.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

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